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DECLARATION OF JONATHAN W. FOUNTAIN

I, Jonathan W. Fountain, state	the	OHOL	wıng
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- 1. I am an employee of Lewis Roca Rothgerber LLP, counsel for Defendant Visa, Inc. in this action. Unless expressly stated otherwise, I have personal knowledge of the facts set forth herein and I am competent to testify.
- 2. Attached hereto as Exhibit A is a true and accurate copy (minus exhibits) of the First Amended Complaint filed in *The Wave Studio, LLC v. General Hotel Management Ltd., et al.*, Case No. 7:13-cv-09239 (S.D.N.Y.) (the "New York Action").
- 3. Attached hereto as Exhibit B is a true and accurate copy of the letter dated June 18, 2014, that General Hotel Management, Ltd. ("GHM") filed in the New York Action at Doc. No. 50.
- 4. Attached hereto as Exhibit C is a true and accurate copy of the court's order issued on July 3, 2014 in the New York Action filed as Doc. No. 67.
- 5. Attached hereto as Exhibit D is a true and accurate copy of the docket in *The Wave Studio*, *LLC v. MasterCard International*, *Inc. et al.*, Case No. 3:14-cv-01342-RS (N.D. Cal.) (the "MasterCard Action").
- 6. Attached hereto as Exhibit E is a true and accurate copy of The Wave Studio, LLC's ("Wave's") Motion for Leave to Amend filed in the MasterCard Action as Doc. No. 31.
- 7. Attached hereto as Exhibit F is a true and accurate copy of the proposed Second Amended Complaint Wave filed in the MasterCard Action as Doc. No. 31-1.
- 8. Attached hereto as Exhibit G is a true and accurate copy of the order issued by District Judge Richard G. Seeborg transferring the Master Card Action to the Southern District of New York, filed as Doc. No. 43.
- 9. At my direction, and under my supervision, my office conducted a comparison of the specific hotels, copyright registrations, and images at issue in the New York Action and the specific hotels, copyright registrations, and images at issue in this action.
- 10. Based upon our review, the same hotels and copyright registrations are at issue in the two cases. Put more simply, 100% of the hotels and copyright registrations at issue in this case are also at issue in the New York Action.

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11. In addition, of the 45 or 46 images Wave alleges have been infringed in this
action, Wave has alleged that 26 of those same images have been infringed by GHM and others
and are currently at issue in the New York Action. Thus, approximately 56-58% of the images at
issue in this action are also at issue in the New York Action.
I declare under penalty of perjury that the foregoing is true and correct.
Executed on: May 18, 2015

Jonathan W. Fountain